1 FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON 2 Aug 18, 2021 3 SEAN F. McAVOY, CLERK 4 5 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 6 7 HOLLY P., NO: 2:20-CV-288-RMP Plaintiff, 8 ORDER ADOPTING REPORT AND 9 RECOMMENDATION v. KILOLO KIJAKAZI, ACTING 10 COMMISSIONER OF SOCIAL SECURITY, 1 11 Defendant. 12 13 BEFORE THE COURT is the Report and Recommendation issued by United 14 States Magistrate Judge Mary K. Dimke on July 26, 2021, ECF No. 29, 15 16 17 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 18 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo 19 Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further 20 action need be taken to continue this suit. See 42 U.S.C. § 405(g). 21

ORDER ADOPTING REPORT AND RECOMMENDATION ~ 1

recommending that the Court grant Plaintiff Holly P.'s² Amended Motion for Summary Judgment, ECF No. 26, and deny Defendant's Motion for Summary Judgment, ECF No. 27. Objections were due on August 9, 2021, with none received.

After reviewing the Report and Recommendation and relevant authorities, the Court finds that the Magistrate Judge's determinations are correct.

Accordingly, IT IS HEREBY ORDERED:

- 1. The Report and Recommendation, **ECF No. 29**, is **ADOPTED** in its entirety.
- 2. Plaintiff Holly P.'s Motion for Summary Judgment, ECF No. 23, is DENIED AS MOOT.
- Plaintiff Holly P.'s Amended Motion for Summary Judgment, ECF No.
 26, is GRANTED.
- 4. The Commissioner's Motion for Summary Judgment, ECF No. 27, is DENIED.
- 5. Judgment shall be entered for the Plaintiff.

² In the interest of protecting Plaintiff's privacy, the Court will use Plaintiff's first name and last initial.

6. The ALJ's decision is **REVERSED**. This matter is **REMANDED** to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation, pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order, provide copies to counsel, and close this case.

DATED August 18, 2021.

s/Rosanna Malouf Peterson

ROSANNA MALOUF PETERSON
United States District Judge